

TITLE COMMITMENT LEGAL DESCRIPTION

PARCEL NO. 1:

LOTS 1 AND 2, VALLEY PLAZA, ACCORDING TO BOOK 72 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;
THENCE NORTH 51°48'30" EAST, 53.37 FEET ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE ARIZONA CANAL TO A POINT;
THENCE EAST 25.88 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN;
THENCE NORTH 51°48'30" EAST, ALONG A LINE PARALLEL WITH AND 16 FEET SOUTHEASTERLY FROM THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE ARIZONA CANAL, A DISTANCE OF 354.54 FEET TO A CORNER OF LOT 1, VALLEY PLAZA, ACCORDING TO BOOK 72 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE SOUTH 38°11'30" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, VALLEY PLAZA, A DISTANCE OF 120 FEET TO A POINT ON THE NORTHWESTERLY LINE OF WESTERN PARK DRIVE, AS ESTABLISHED BY INSTRUMENT RECORDED IN DOCKET 1906, PAGE 67, RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE SOUTHERLY, 143.69 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 51°48'30", AND A RADIUS OF 158.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INDIAN SCHOOL ROAD, AS SHOWN IN BOOK 5 OF ROAD MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 292.19 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22;
THENCE NORTH 51°48'30" EAST, 53.37 FEET ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE ARIZONA CANAL TO A POINT;
THENCE EAST 25.88 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN;
THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN SCHOOL ROAD, AS SHOWN IN BOOK 5 OF ROAD MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 190 FEET TO A POINT;
THENCE NORTH, ALONG A LINE PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 83 FEET TO A POINT;
THENCE NORTH 38°11'30" WEST, ALONG A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF LOT 1, VALLEY PLAZA, ACCORDING TO BOOK 72 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA AND PERPENDICULAR TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF ARIZONA CANAL, A DISTANCE OF 52.23 FEET TO A POINT 16 FEET SOUTHEASTERLY FROM SAID SOUTHEASTERLY RIGHT OF WAY LINE;
THENCE SOUTHWESTERLY, ALONG A LINE PARALLEL TO AND 16 FEET SOUTHEASTERLY FROM THE RIGHT OF WAY LINE OF ARIZONA CANAL, SOUTH 51°48'30" WEST, A DISTANCE OF 200.66 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 3:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22;
THENCE NORTH 51°48'30" EAST, 53.37 FEET ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE ARIZONA CANAL TO A POINT;
THENCE EAST 25.88 FEET TO THE TRUE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN;
THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN SCHOOL ROAD, AS SHOWN IN BOOK 5 OF ROAD MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 190 FEET TO A POINT;
THENCE NORTH, ALONG A LINE PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 83 FEET TO A POINT;
THENCE NORTH 38°11'30" WEST, ALONG A LINE PARALLEL TO THE SOUTHWESTERLY LINE OF LOT 1, VALLEY PLAZA, ACCORDING TO BOOK 72 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA AND PERPENDICULAR TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF ARIZONA CANAL, A DISTANCE OF 52.23 FEET TO A POINT 16 FEET SOUTHEASTERLY FROM SAID SOUTHEASTERLY RIGHT OF WAY LINE;
THENCE SOUTHWESTERLY, ALONG A LINE PARALLEL TO AND 16 FEET SOUTHEASTERLY FROM THE RIGHT OF WAY LINE OF ARIZONA CANAL, SOUTH 51°48'30" WEST, A DISTANCE OF 200.66 FEET TO THE TRUE POINT OF BEGINNING.

TITLE COMMITMENT SCHEDULE 'B' EXCEPTIONS

1. RESERVATIONS CONTAINED IN THE PATENT FROM THE UNITED STATES OF AMERICA, READING AS FOLLOWS:

SUBJECT TO ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL MANUFACTURING, OR OTHER PURPOSES, AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL CUSTOMS, LAWS AND DECISIONS OF COURTS; BUT EXCEPTING RIGHTS OF WAY OVER, ACROSS AND THROUGH SAID LANDS FOR CANALS AND DITCHES, CONSTRUCTED, OR TO BE CONSTRUCTED BY ITS AUTHORITY, ALL IN THE MANNER PRESCRIBED AND DIRECTED BY THE ACT OF CONGRESS APPROVED AUGUST 30, 1890, (26 STAT. 391), TO SECURE PAYMENT TO THE UNITED STATES OF AMERICA OR ITS SUCCESSORS IN THE OWNERSHIP OR CONTROL OF THE WORKS CONSTITUTING AND APPERTAINING TO THE SAID RECLAMATION PROJECT, ALL SUMS DUE, OR TO BECOME DUE THE UNITED STATES OF AMERICA OR ITS SUCCESSORS IN THE CONTROL OF SAID RECLAMATION PROJECT IN CONNECTION WITH SAID LAND AND WATER RIGHTS, A LIEN PRIOR AND SUPERIOR TO ALL OTHER LIENS, CLAIMS OR DEMANDS WHATSOEVER UPON THE LANDS HEREIN AND HEREBY DESCRIBED AND CONVEYED, UPON ALL WATER RIGHTS THERE TO APPURTENANT, AND UPON THE RIGHT TO RECEIVE AND USE WATER FROM THE RESERVOIRS AND CANALS OF SAID RECLAMATION PROJECT, IS EXPRESSLY RESERVED.

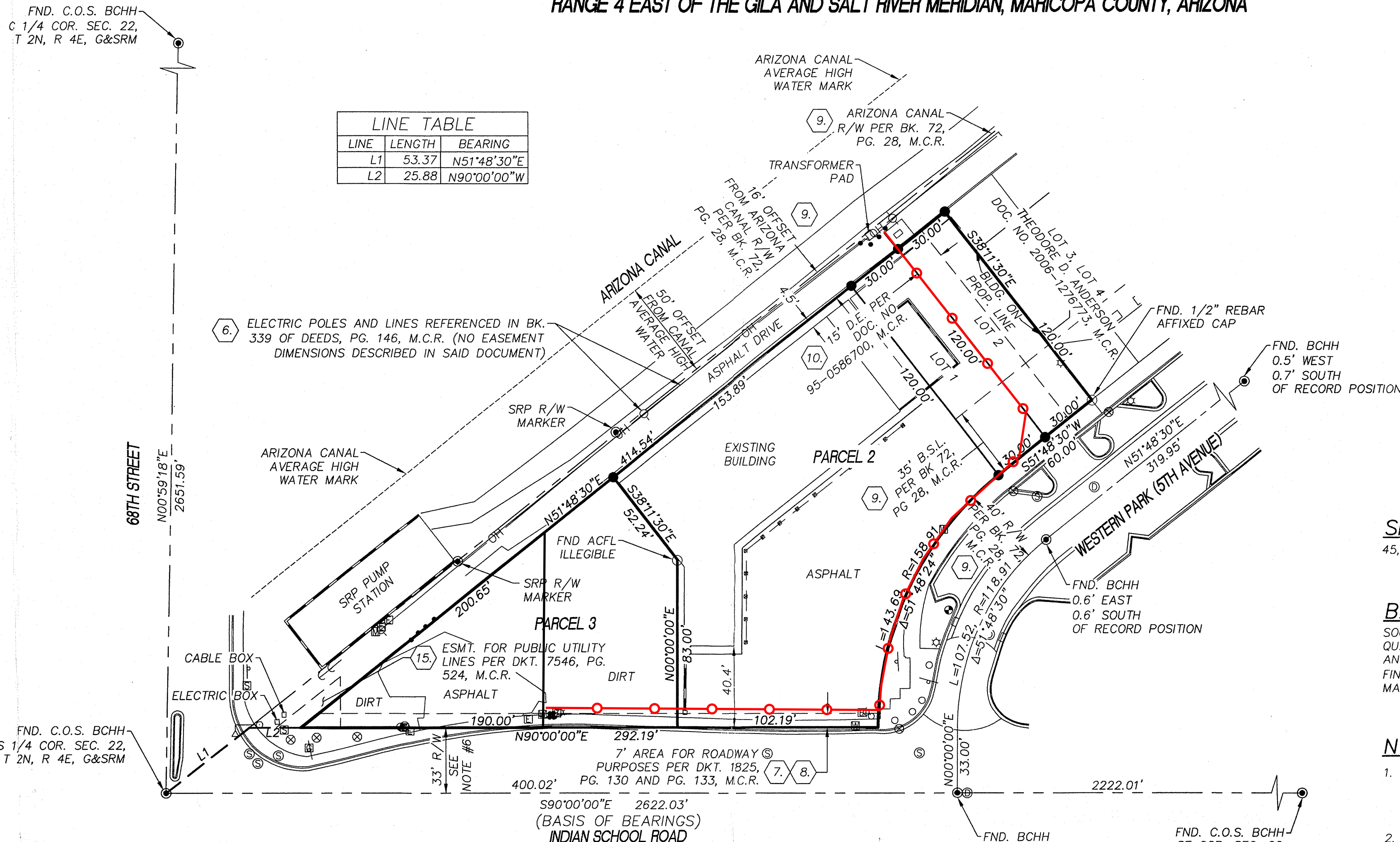
2. WATER RIGHTS, CLAIMS OR TITLE TO WATER, AND AGREEMENTS, COVENANTS, CONDITIONS OR RIGHTS INCIDENT THERETO, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
THIS EXCEPTION IS NOT LIMITED BY REASON OF THE DISCLOSURE OF ANY MATTER RELATING TO WATER RIGHTS AS MAY BE SET FORTH ELSEWHERE IN SCHEDULE B.

3. TAXES AND ASSESSMENTS COLLECTIBLE BY THE COUNTY TREASURER, A LIEN PAYABLE BUT NOT YET DUE FOR THE FOLLOWING YEAR:
SECOND HALF OF 2007

4. THE LIABILITIES, OBLIGATIONS AND BURDENS IMPOSED UPON SAID LAND BY REASON OF INCLUSION WITHIN THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND AGRICULTURAL IMPROVEMENT DISTRICTS.

ALTA / ACSM LAND TITLE SURVEY

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22 TOWNSHIP 2 NORTH,
RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



SCHEDULE 'B' EXCEPTIONS CONTINUED

5. LIABILITIES AND OBLIGATIONS IMPOSED UPON SAID LAND BY REASON OF ITS INCLUSION WITHIN THE FOLLOWING NAMED DISTRICT:
CITY OF SCOTTSDALE DOWNTOWN ENHANCED MUNICIPAL SERVICES DISTRICT NO. 2
6. EASEMENT AND RIGHTS INCIDENT THERETO, AS SET FORTH IN INSTRUMENT:
RECORDED IN BOOK 339 OF DEEDS
PAGE 146
PURPOSE ELECTRIC TRANSMISSION LINES AND APPURTENANCES
7. EASEMENT AND RIGHTS INCIDENT THERETO, AS SET FORTH IN INSTRUMENT:
RECORDED IN DOCKET 1825
PAGE 130
PURPOSE ROADWAY
SEE NOTE #6
8. EASEMENT AND RIGHTS INCIDENT THERETO, AS SET FORTH IN INSTRUMENT:
RECORDED IN DOCKET 1825
PAGE 133
PURPOSE ROADWAY
SEE NOTE #6
9. RESTRICTIONS, CONDITIONS AND COVENANTS, OMITTING, IF ANY, FROM THE ABOVE, ANY RESTRICTIONS BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS SHOWN ON THE PLAT:
RECORDED IN BOOK 72 OF MAPS
PAGE 28
10. EASEMENT AND RIGHTS INCIDENT THERETO, AS SET FORTH IN INSTRUMENT:
RECORDED IN DOCUMENT NO. 95-0586700
PURPOSE DRAINAGE
(AFFECTS LOT 2)
14. TAXES AND ASSESSMENTS COLLECTIBLE BY THE COUNTY TREASURER, A LIEN NOT YET DUE AND PAYABLE FOR THE FOLLOWING YEAR:
2008
15. EASEMENT AND RIGHTS INCIDENT THERETO, AS SET FORTH IN INSTRUMENT:
RECORDED IN DOCKET 7546
PAGE 524
PURPOSE PUBLIC UTILITIES LINES

16. RIGHTS OF PARTIES IN POSSESSION AS DISCLOSED BY APPLICANT FOR TITLE INSURANCE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

FIXX, LTD, AN ARIZONA CORPORATION
TAE SIO CHANG AND SANG ROK CHANG, HUSBAND AND WIFE, DOING BUSINESS AS TANDOORI TIMES INDIAN BISTRO

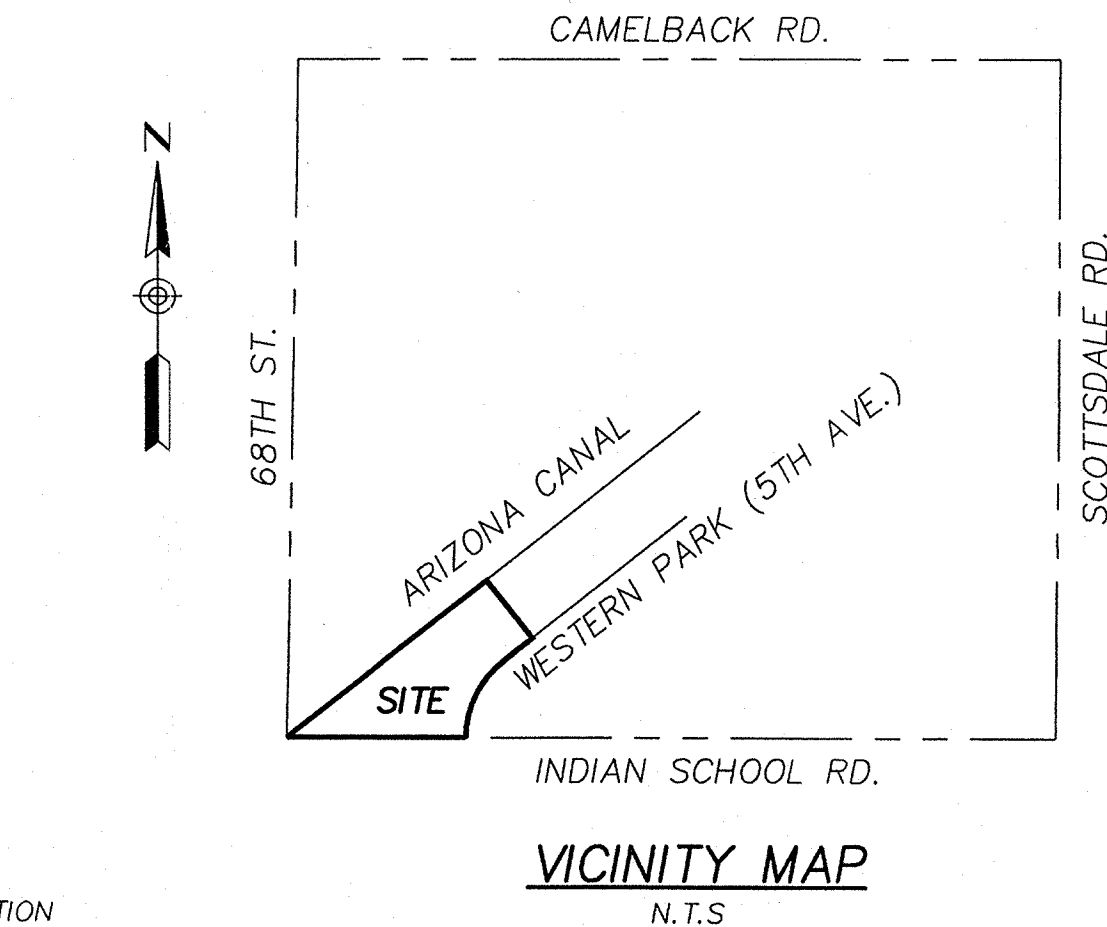
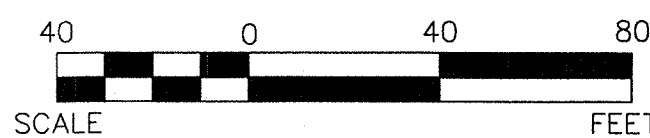
17. THE FOLLOWING MATTERS DISCLOSED BY SURVEY OF SAID LAND:

BY ALPHA ENGINEERING
JOB NUMBER 08004
DATED JANUARY 2008

ELECTRIC LINES DISCLOSED BY ELECTRIC PULL BOX ALONG A SOUTHERLY PORTION OF PARCEL 2 AND 3.

LEGEND

—	PROPERTY LINE
—	ADJACENT PROPERTY LINE
—	LOT LINE
—	SECTION LINE
—	CENTERLINE
—	EASEMENT LINE
—	CANAL LINE
—	OVERHEAD UTILITY LINE
○	FOUND PROPERTY CORNER (AS NOTED)
●	FOUND BRASS CAP (UNLESS NOTED OTHERWISE)
●	SET 1/2" REBAR WITH CAP LS# 44007
⊙	SANITARY SEWER MANHOLE
⊕	WATER VALVE
⊕	FIRE HYDRANT
⊕	TELEPHONE MANHOLE
⊕	TELEPHONE CABINET
⊕	ELECTRIC PULL BOX
⊕	ELECTRIC METER
⊕	STREET LIGHT
⊕	POWER POLE
⊕	GUY WIRE
⊕	BUILDING SETBACK LINE
⊕	DRAINAGE EASEMENT
⊕	MARICOPA COUNTY RECORDS
⊕	CITY OF SCOTTSDALE
⊕	BRASS CAP IN HANDHOLE
⊕	SALT RIVER PROJECT
⊕	RIGHT-OF-WAY
⊕	ALUMINUM CAP FLUSH



SITE AREA

45,226 SQUARE FEET OR 1.0382 ACRES, MORE LESS.

BASIS OF BEARING

SOUTH 00°00'00" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA ACCORDING TO THE FINAL PLAT FOR "VALLEY PLAZA", RECORDED IN BOOK 72, PAGE 28, MARICOPA COUNTY, ARIZONA.

NOTES

1. THE PREMISES SURVEYED HAVE NO KNOWN DISCREPANCIES. BOUNDARY LINE CONFLICTS, ENCRoACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT-OF-WAYS EXCEPT AS SHOWN, AND HAS ACCESS TO OR FROM A DEDICATED ROADWAY.
2. BUILDING SETBACK LINES, ZONING, FLOOD AREA ZONES, AND ADDRESSES THAT MAY BE SHOWN ARE SUPPLIED BY THE GOVERNING AGENCY OR TAKEN FROM THE BEST AVAILABLE RECORDS. THE SURVEYOR WILL NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY OTHERS.
3. THE DESCRIPTION OF PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON, REPRESENT THAT INFORMATION PROVIDED IN COMMITMENT FOR TITLE INSURANCE ORDER NO. 01624299, PREPARED BY TRANSNATION TITLE INSURANCE COMPANY, DATED FEBRUARY 6, 2008 ANY INFORMATION SHOWN WHICH MAY VARY FROM THE CONTENTS OF THE REPORT(S) NOTED ABOVE, REPRESENTS INFORMATION AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY.
4. THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING DURING THE COURSE OF THIS SURVEY. THERE WAS NO OBSERVABLE EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP DURING THE COURSE OF THIS SURVEY. EXCEPT AS SHOWN HEREON THERE WAS NO EVIDENCE OF RIGHT-OF-WAY LINES EITHER EXISTING OR PROPOSED DURING THE COURSE OF THIS SURVEY.
5. PORTIONS OF THIS PROJECT APPEAR TO BE LOCATED WITHIN A FLOOD ZONE "X" AREAS DETERMINED TO HAVE AREAS OF 0.2% CHANCE FLOOD; AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP(S), COMMUNITY PANEL NO. 04013C2160F, DATED SEPTEMBER 30, 2005.
6. IT IS THE OPINION OF THE SURVEYOR THAT EXCEPTIONS NUMBER 7 AND 8 ARE QUIT CLAIM DEEDS FOR THE USE AND BENEFIT OF THE PUBLIC FOR ROADWAY PURPOSES. HOWEVER PER THE REQUEST OF BARRY J. DALE, ATTORNEY AT LAW, ARIZONA STATE BAR NO. 005633. THESE DOCUMENTS ARE BEING PLOTTED AS AN EASEMENT LINE. THE REFERENCED 33 FOOT RIGHT-OF-WAY ALONG THE NORTH LINE OF INDIAN SCHOOL ROAD ARE PER THE TITLE COMMITMENT LEGAL DESCRIPTION.

CERTIFICATION

TO:
JAMES K. DOANE AND WILEY VAN BUREN, CO-TRUSTEES AS SUCCESSOR CO-TRUSTEES TO PEARL D. PEGLER, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 18, 1988.
EQUINOX HOLDINGS LLC, AN ARIZONA LIMITED LIABILITY COMPANY
MARK MADKOUR, AN UNMARRIED MAN
TRANSNATION TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 10, 11a, 13, and 16-18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ARIZONA, THE RELATIVE POSITIONAL ACCURACY OF THE SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

RYAN L. FIDLER, R.L.S. 44007

2-14-08
DATE

ALPHA ENGINEERING



ALTA / ACSM LAND TITLE SURVEY
NEC 68TH STREET & INDIAN SCHOOL RD.
A PRT. SE 1/4, SEC. 22, T 2N, R 4E, G&SRM

SHEET
1
OF 1 SHTS
PROJECT ID